



PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. F. Wayne Bass, Vice Chairman
Mr. Sam R. Hassen
Dr. William P. Brown
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans
and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlautdt, Planning Administrator,
Development Review Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review Section, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department
Ms. Beth Sykes, Senior Planner, Development
Review Section, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review Section, Planning Department
Ms. Amy Somervell, Senior Planner, Development
Review Section, Planning Department
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning

and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department
Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department
Ms. Lisa Caudill, Administrative Assistant, Administration
Section, Planning Department
Ms. Pamela Nichols, Clerk to the Commission,
Zoning and Special Projects Section, Planning Department
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. R. John McCracken, Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Jesse Smith, Senior Engineer,
Transportation Department
Mr. Steve Simonson, Senior Engineer,
Transportation Department
Mr. Steven Adams, Senior Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Chief Paul W. Mauger, Chief, Administration,
Fire Department
Mr. Thomas E. Jacobson, Director of Revitalization,
Revitalization Department
Ms. Latisha Jenkins, Community Revitalization Coordinator
Revitalization Department
Ms. Carol Judkins, Budget and Management Analyst,
Budget Department
Lieutenant Frank X. Nause III,
Fire Marshal #4, Fire Department
Ms. Cynthia O. Richardson, Director of Planning,
School Administration
Dr. Mike Etienne, Communications Specialist,
Planning Department, School Administration

ASSEMBLY AND WORK SESSION

Messrs. Gulley, Bass, Brown, Hassen, Waller and staff assembled at 12:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session .

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner apprised the Commission that staff requested changes to agenda to include deferring Item XI Code and Policy Amendments Relative to Proposed Electronic Message Centers, Item XII Code Amendment Relative to Height of Church Steeples and Item XIII, Overview of Public Facilities Site Selection Process, until the May 20, 2008 Work Session. On motion of Mr. Brown, seconded by Mr. Bass, the Commission amended the agenda as follows:

- I. Requests to **Postpone Action, Emergency Additions, Changes in the Order of Presentation and Dinner Location Selection**
- II. Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review **Day's Agenda**. (Any items listed for the 3:00 p.m. and 7:00 p.m. Sessions.)
- IV. **Approval of Planning Commission Minutes.**
- V. **Work Program – Review and Update.**
- VI. **Code Amendment Relative to Vehicle Parking in Front Yards in Residential Districts.**
- VII. **Code Amendment Relative to the Upper Swift Creek Watershed.**
- VIII. **Board of Supervisors Initiated Amendment to *Upper Swift Creek Plan Amendment*.**
- IX. **Planning Commission Initiated Amendment to *Upper Swift Creek Plan Amendment*.**
- X. **Review Planning Topics for Future Meetings.**
- XI. **Planning Topic – Revitalization.**
- XII. *Public Facilities Plan Amendment.*
- XIII. **Cash Proffer Policy Relative Age to Restriction and Land Banking.**
- XIV. **Security Proffer.**
- XV. **Recess.**

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

II. **REVIEW UPCOMING AGENDAS.**

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of May, June and July 2008.

III. **REVIEW DAY'S AGENDA.**

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

Mr. Turner presented an overview of, and staff's recommendations for, Code Amendments Relative to Planning Fees and Submission of Subdivision Plats and Site Plans to State Agencies and the Deadlines for the County to Act on Such Plats to be considered at the 6:30 p.m. Public Meeting and Hearing.

IV. APPROVAL OF PLANNING COMMISSION MINUTES:

Mr. Turner noted that the March 18, 2008 Planning Commission minutes were incomplete at this time.

V. WORK PROGRAM.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the May 2008 Work Program, as presented.

Mr. Gulley requested the Transportation Department prepare a letter in response to the initiative by Virginia Department of Transportation (VDOT) for a plan of connectivity. Mr. Gulley requested the letter to indicate the Commission's disapproval of VDOT's proposal to put more traffic on the residential roads and not the secondary roads.

VI. CODE AMENDMENT RELATIVE TO VEHICLE PARKING IN FRONT YARDS IN RESIDENTIAL DISTRICTS.

Mr. Gulley updated the Commission on the Code Amendment and indicated the purpose was to address issues of decline in aging neighborhoods. Mr. Gulley added that information was needed from the Planning and Building Inspection Departments in response to the initiative from the Board of Supervisors to the Commission, to define the word "family" and in addition to address Code Amendments globally with respect to declining neighborhoods.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission deferred further discussion of the proposed Code Amendment relative to vehicle parking in front yards in residential districts until the August 19, 2008 work session.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VII. CODE AMENDMENT RELATIVE TO THE *UPPER SWIFT CREEK* WATERSHED.

Mr. Richard McElfish addressed the Commission by stating that on January 15, 2008, a public hearing was held to obtain input on proposed ordinance amendments that would help protect water quality in the Upper Swift Creek Reservoir Watershed. He added that based on the limited comments from the public and those expressed by the Planning Commission; staff had reviewed the ordinances and made changes. Mr. McElfish also made reference to a document which included recommendations from the City of Charlottesville for reducing runoff from new development. Mr. McElfish presented slides of a synopsis of the amendment. In conclusion, Mr. McElfish asked the Commission to move this item forward to the Board of Supervisors.

There were discussions relative to certain topics outlined and responses by the appropriate departmental staff, with additional, specific information being requested by the Commission. Mr. Gulley asked Mr. McElfish to supply all the Commission members with a letter dated April 4, 2007 regarding a status report on the Swift Creek Reservoir Watershed Master Plan and Maintenance Program. Mr. Turner summarized the basis of the amendment presented to the Commission.

The Commission requested staff to provide the members with additional information addressing the concerns pointed out during the meeting within three (3) weeks. Dr. Brown expressed his desire for the Commission to vote on the plan and move forward to the Board of Supervisors. Mr. Waller asked to have the presentation in its entirety posted on the County web site.

Upon conclusion of the discussion, it was on motion of Mr. Waller, seconded by Dr. Brown, that the Commission set June 5, 2008, at 7:00 p.m., to consider the Upper Swift Creek Watershed Ordinance Amendments.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VIII. & IX. BOARD OF SUPERVISORS INITIATED AMENDMENT TO UPPER SWIFT CREEK PLAN AMENDMENT and PLANNING COMMISSION INITIATED AMENDMENT TO UPPER SWIFT CREEK PLAN AMENDMENT RELATIVE TO WATER QUALITY, LEVELS OF SERVICE FOR TRANSPORTATION, SCHOOLS AND PUBLIC SAFETY, LAND USE AND ECONOMIC DEVELOPMENT.

Mr. James Bowling summarized a brief history of the Plan Amendments. Mr. Bowling stated that staff was working with Ms. Durfee on the Board of Supervisors' Initiated Plan Amendment and staff would work with the Commission on the Planning Commission's Initiated Plan Amendment.

Several Commission members asked questions on the clarification of the two (2) plans. Mr. Turner advised the Commission that staff has the responsibility to present amendments to the public. Mr. Turner informed the Commission of the citizens' meeting scheduled for April 29, 2008. The Commission decided this meeting would be a Special Meeting of the Planning Commission so that all Commissioners could attend.

Mr. John McCracken addressed the Commission and stated that staff supports efforts to provide adequate infrastructure in the Upper Swift Creek area and throughout the county.

The Commission expressed concern of area redevelopment without connectivity of the roads. There were further discussions relative to certain topics and Mr. McCracken responded to all questions and concerns.

Because of time, the remaining presentation of the amendment was moved to the 3:00 p.m. Public Hearing to be heard after Public Hearing items.

IX. RECESS.

The Commission recessed at 2:50 p.m., agreeing to reconvene in the Multipurpose Room at 3:00 p.m. for the public meeting.

3:00 P. M. PUBLIC MEETING

Mr. Gulley, Chairman, called the meeting to order at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

II. APPROVAL OF PLANNING COMMISSION MINUTES:

Mr. Turner noted that the March 18, 2008 Planning Commission minutes were incomplete at this time and therefore action was deferred to a later date.

III. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUEST FOR WITHDRAWAL.

08PW0304: In Bermuda Magisterial District, **KCCCC, L.L.C.** withdrew a request for a development standard waiver to the requirement for paving with curb and gutter as required by Section 19-514(d). This project is commonly known as **ENON OPTIMIST CLUB FIELD HOUSE WAIVER**. This request lies in an Agricultural (A) District on a 3.55 acre parcel fronting approximately 245 feet on the southwest line of Point of Rocks Road and immediately west of I-295. Tax ID 821-642-4471.

Mr. Turner stated that the applicant had requested withdrawal of Case 08PW0304.

No one was present to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission acknowledged withdrawal of Case 08PW0304.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

◆ DEFERRAL REQUESTS BY APPLICANTS.

08PR0248: In Bermuda Magisterial District, **C.F. CURRIN, JR.** requested deferral to May 20, 2008, for consideration for a fifty-five (55) foot reduction to the seventy-five (75) foot buffer required along the south line of the Community Business (C-3) parcel adjacent to the Residential Multi-family (R-MF) property in conjunction with site plan approval. This project is commonly known as **CHALKLEY PLACE**. This request lies in Community Business (C-3) and Corporate Office (O-2) Districts on a 10.57 acre site located in the southwest quadrant of Route 10 and West Booker Blvd. Tax IDs 779-652-6675 and 9168 and 780-652-1685, 2380, 1556 and 1448.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 08PR0248 to the May 20, 2008, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to defer Case 08PR0248 to the May 20, 2008, Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08PR0268: In Dale Magisterial District, **THE BERMUDA TRIANGLE PROPERTY, LP** requested deferral to July 15, 2008, for consideration for a seventy (70) foot reduction to a 100 foot buffer in conjunction with site plan review. This development is commonly known as **IRONBRIDGE STORAGE EXPANSION**. This request lies in a General Business (C-5) District on 11.9 acres fronting approximately sixty (60) feet on the east line of Ironbridge Road also fronting approximately 500 feet on the north line of Quaiff Lane and located in the northeast quadrant of the intersection of these roads. Tax IDs 772-673-3836, 772-673 Part of 4300, and 772-673-9020.

Mr. Turner stated that the applicant had accepted staff's recommendation to defer this application for ninety (90) days.

Mr. Dean Hawkins, the applicant's representative, requested deferral of Case 08PR0268 to the July 15, 2008, Planning Commission meeting.

Mr. G. B. Spencer, Ms. Mary Taylor, and Ms. Myrtle S. Dowdy came forward in favor of the deferral.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to defer Case 08PR0268 to the July 15, 2008, Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

◆ **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONERS.**

08TS0238: In Midlothian Magisterial District, **2421 W.D., LLC** requested Tentative Subdivision approval of six (6) single family residential lots and a buffer reduction along Buford Road from required thirty-five (35) to twenty-five (25) feet. This development is commonly known as **BON AIR WALK**. This request lies in a Residential (R-15) District on 5.1 acres fronting approximately 460 feet on the west line of Buford Road also fronting approximately 219 feet on the north line of Sunview Lane. Tax IDs 756-712-8658 and 757-712-0544.

Ms. Carrie Coyner, the applicant's representative, accepted Mr. Waller's recommendation for deferral.

No one came forward to speak in favor of, or in opposition to, the request.

The following action was on the Commission's own motion.

On motion of Mr. Waller, seconded by Mr. Brown, the Commission resolved to defer Case 08TS0238, to the May 20, 2008, Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

08PR0310: In Clover Hill Magisterial District, **MIDLO PROPERTY LLC** requested approval of a conceptual landscape plan. This project is commonly known as **OAKLAKE MIDLO**. This request lies in a Light Industrial (I-1) District on an 8.2 acre parcel fronting approximately 760 feet on the east line of Oak Lake Boulevard approximately 160 feet south of Wilfong Lane. Tax IDs 737-690-1581 and 737-691-2128.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08PR0310 subject to the following condition:

CONDITION

The entire front yard setback shall be irrigated using an automatic sprinkler system. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08PR0311: In Clover Hill Magisterial District, **VIRGINIA AIR DISTRIBUTORS** requested approval of a conceptual landscape plan. This project is commonly known as **VIRGINIA AIR DISTRIBUTORS**. This request lies in a Light Industrial (I-1) District on a 5.1 acre parcel fronting approximately 425 feet on the east line of Waterford Lake Drive at the intersection with Tredegar Lake Parkway. Tax ID 730-691-8232.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08PR0311 subject to the following condition:

CONDITION

A bond shall be provided in the amount of the installed cost of the landscape planting in the Phase II area along the north side and rear road extensions. The bond shall be released after completion of the landscape installation and acceptance of the landscape maintenance bond for the Phase II area. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08PS0330: In Midlothian Magisterial District, **THE SHOPPES AT BELLGRADE, LLC** requested to amend schematic plan Case 90PS0126 to delete Condition 8 relating to sign requirements and delete the requirements for Sign "E" for tenant identification (not including out parcels). This development is commonly known as **THE SHOPPES AT BELLGRADE**. This request lies in a Corporate Office (O-2) District on a 10.04 acre parcel lying approximately 260 feet off the north line of Huguenot Road also fronting approximately 200 feet on Polo Parkway and fronting approximately 200 feet on Promenade Parkway. Tax ID 741-715-0889.

Mr. Bob Butcher, the applicant's representative, accepted staff's recommendation.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08PR0311 subject to the following condition.

CONDITION

The tenant identification for in-line tenants shall be per the proposed sign package. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

The 3:00 p.m. Public Meeting being completed, the Commission then continued their work session.

VIII. & IX. BOARD OF SUPERVISORS INITIATED AMENDMENT TO UPPER SWIFT CREEK PLAN AMENDMENT and PLANNING COMMISSION INITIATED AMENDMENT TO UPPER SWIFT CREEK PLAN AMENDMENT RELATIVE TO WATER QUALITY, LEVELS OF SERVICE FOR TRANSPORTATION, SCHOOLS AND PUBLIC SAFETY, LAND USE AND ECONOMIC DEVELOPMENT.

Mr. Flanigan presented an overview of amendments based on comments received from a Planning Commission member. He also outlined the recommendations. Mr. Flanigan answered questions from the Commission.

Mr. Gulley suggested for information to be filtered through one source to ensure that all Commission members receive the same notifications.

Mr. Bass requested to have a complete copy of all documents forwarded to the Commission so that all members are knowledgeable of the materials before the April 29, 2008 Special Meeting. Mr. Gulley also requested a letter from Schools outlining their position on Level Of Service within the boundaries of the *Upper Swift Creek Plan*.

Upon conclusion of the discussion, it was on motion of Dr. Brown, seconded by Mr. Waller, that the Commission set June 5, 2008, at 7:00 p.m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider ~~amendments to~~ the Board of Supervisors initiated version of the *Upper Swift Creek Plan Amendments*.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

X. **PUBLIC FACILITIES PLAN AMENDMENT.**

Mr. Steve Haasch presented an overview of the proposed amendment relative to public facilities to include responding to questions from the Commission. Questions were asked about the construction of new libraries throughout the County. Mr. Gulley also wanted clarification on the background data. Staff addressed all questions from the Commission.

Ms. Cynthia Richardson advised the Commission that the Plan, addresses school needs between 2012 to 2022, and the conversion of Clover Hill High School is suggested to occur between 2008 to 2012. Ms. Richardson also responded to questions from the Commission.

Upon conclusion of the discussion, it was on motion of Mr. Waller, seconded by Mr. Bass, that the Commission rescheduled the public hearing from May 20, 2008 to June 5, 2008, at 7:00 p.m.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

XI. **REVIEW PLANNING TOPIC FOR FUTURE MEETINGS.**

Mr. Glenn Larson advised the Commission that a list of topics were included in their packets and asked the Commission to provide staff with a list of their top six (6) topics.

XII. **PLANNING TOPIC – REVITALIZATION.**

Mr. Tom Jacobson presented an overview of revitalization efforts in the County. Mr. Jacobson stated that the information included in the presentation is information requested from the Board of Supervisors. In his presentation, Mr. Jacobson presented slides of older neighborhoods in need of revitalizing. Mr. Jacobson asked the Commission for suggestions to help revitalize the older neighborhoods.

Several members made comments on the topic to include questions for staff to which Mr. Jacobson responded.

XIII. CASH PROFFER POLICY RELATIVE TO AGE RESTRICTION AND LAND BANKING.

Mr. Gulley apprised the Commission that last year the Commission had requested that the Board, in their consideration of the Cash Proffer Policy, consider whether housing restricted to person fifty-five (55) years or older be considered for a reduction in the amount of their impact on capital facilities. He added that a recommendation was made to the prior Board who had tabled any action at that time. Mr. Gulley asked the Commission to support a letter to Board of Supervisors requesting that they reconsider the Policy and that the Budget and Management Department draft such a letter for the Commission's consideration. Further, the Commission instructed that the letter include concerns relative to "land banking" zoning resulting in a substantial reduction in the cash payment to address capital facility needs at the time of development.

On motion from Dr. Brown, seconded by Mr. Hassen, the Commission resolved to send a letter to the Board of Supervisors to consider changes in the Cash Proffer Policy.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

XIV. SECURITY PROFFER.

Mr. Gulley presented an overview of the Security Proffer. Mr. Turner apprised the Commission of the meeting with the Police Department and the County Administrator regarding the ineffectiveness of the policy. Ms. McGee apprised the Commission that Mr. Stegmaier wanted the current policy to remain in effect until changes are made. Several Commission members expressed concern about the current policy and the inability for cases to appear as a consent agenda item.

XV. RECESS.

There being no further business to come before the Commissions; it was on motion of Dr. Brown, seconded by Mr. Waller, that the Commission adjourned the Work Session at 5:00 p.m., agreeing to meet in the Public Meeting Room (Executive Session Room) at the Administration Building Complex at 5:10 p.m. for dinner.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

During dinner, there was general discussion regarding pending development proposals.

6:30 P. M. PUBLIC MEETING AND HEARING

Mr. Gulley, Chairman, called the meeting to order at 6:30 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

I. DISTRIBUTION OF "REQUEST ANALYSES AND RECOMMENDATIONS."

II. INVOCATION.

Mr. Bass presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Charlie Dane led the Pledge of Allegiance to the Flag.

IV. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months

V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission amended the agenda to reorder Item XI, Conditional Use – Other as Item X; to reorder Item X, Code Amendments as Item XI.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VI. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

VII. CITIZEN COMMENTS ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizen comments.

VIII. PUBLIC HEARING: CONSIDERATION OF THE FOLLOWING PROPOSALS IN THIS ORDER:.

◆ REQUEST FOR WITHDRAWAL/DEFERRALS.

07SN0372: (AMENDED) In Clover Hill Magisterial District, EWN INVESTMENTS, INC. requested deferral to June 17, 2008 for consideration of rezoning and amendment of zoning district map from Community Business (C-3) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 7.0 acres fronting approximately 860 feet in the northwest quadrant of the intersection of Hull Street Road and Duckridge Boulevard. Tax ID 722-671-1285.

No one was present to represent Case 07SN0372; however, Mr. Turner stated the applicant had submitted written documentation requesting deferral to the June 17, 2008 public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0372 to the June 17, 2008 Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0131: In Matoaca Magisterial District, CHESTERFIELD COUNTY BOARD OF SUPERVISORS requested deferral to June 17, 2008 for consideration of a Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request

lies in an Agricultural (A) District on 137.2 acres fronting approximately 1,600 feet on the north and south lines of John Winston Jones Parkway approximately 900 feet northeast of Woodpecker Road; also fronting in two (2) places for approximately 280 feet on the northeast line of Woodpecker Road approximately 600 feet southeast of John Winston Jones Parkway. Tax ID 783-626-4767.

Mr. Bill Carlson, the applicant's representative, requested deferral of Case 08SN0131 to the June 17, 2008.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to defer Case 07SN0372 to the June 17, 2008.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NOT OPPOSITION PRESENT.**

08SN0194: In Midlothian Magisterial District, R. SHANE PARR requested amendment to Conditional Use Planned Development (Case 89SN0175) and amendment of zoning district map to delete landscaping requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. The request lies in a Community Business (C-3) District on 16.7 acres fronting approximately 880 feet on the north line of Midlothian Turnpike approximately 1,050 feet east of Robious Road. Tax ID 751-708-4745.

Mr. Shane Parr, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to a request by Mr. Waller, Mr. Clay summarized the case and staff's recommendation for approval.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0194.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0195: In Bermuda Magisterial District, CHESTERFIELD COUNTY BOARD OF SUPERVISORS requested Conditional Use and amendment of zoning district map to permit expansion of a public wastewater pump station in a Manufactured Home Subdivision (MH-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 0.4 acres measured approximately 2,600 feet southeast of Lansmill and Pine Forest Drives also fronting approximately 650 feet on the northwest line of Arrowfield Road approximately 4,100 feet east of Jefferson Davis Highway. Tax IDs 803-629- Part of 3705 and 803-630- Part of 9122.

Ms. Ann Wright, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08SN0195 subject to the following condition:

CONDITION

Any building or mechanical equipment shall comply with Sections 19-570 (b) and (c) and 19-595 of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: This condition would require the screening of mechanical equipment, located on, or associated with, any building from adjacent properties and public rights of way.)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

08SN0196: In Midlothian Magisterial District, MI HACIENDA, LLC requested rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2) with Conditional Use to permit restaurant use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village fringe area uses. This request lies on 2.6 acres fronting approximately 250 feet on the north line of Midlothian Turnpike approximately 220 feet east of Winterfield Lane. Tax IDs 727-708-5178 and 6155.

In response to concerns regarding the submission of a proffer at a late date, Ms. Peterson explained the amendment was prompted by a request of area property owners.

Mr. Gulley apprised the Commission of a concern in accepting proffers submitted the day of the zoning case consideration.

Mr. Carl Duncan, the applicant's representative, accepted staff's recommendation.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported the proposal with reservation and expressed concerns relative to an adjacent tract of land not included in the proposal.

Mr. Waller acknowledged Ms. Satterfield's concerns. In response to Mr. Waller's request, the applicant withdrew the proffer amendment.

Mr. Duncan apologized for the late proffer and added that the late submission of the proffer was because the request from the Village of Midlothian Volunteer Coalition was not received until the night before the meeting.

On motion of Mr. Waller, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0196 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owner/applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner/applicant. In the event this request is denied or

approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Fence. A decorative metal fence shall be constructed along Midlothian Turnpike exclusive of the entranceway. The design of such fence shall be substantially similar to that which is required for Tax ID 732-707-0433 (First Citizens Bank) by conditions of Case 07SN0232. (P)
2. Architecture. The architectural treatment of buildings constructed on the Property shall be consistent with American Colonial Architecture as defined by the Sycamore Square development. (P)
3. Sidewalk. In conjunction with the development of the Property, the developer shall construct a sidewalk to VDOT standards along Midlothian Turnpike (Route 60) for the entire property frontage, and dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvements. The exact design and location of this improvement shall be approved by the Transportation Department. There shall be a minimum five (5) foot wide grassy strip from the back of the curb to the sidewalk. (P)
4. Access to Route 60. Direct vehicular access from the property to Route 60 shall be limited to one (1) entrance/exit. The access shall generally be located along the western property line. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of this access with adjacent properties to the east, west and north. (T)
5. Dedication. Prior to any site plan approval, forty-five (45) feet of right-of-way on the north side of Midlothian Turnpike (Route 60), measured from the centerline of that part of Route 60 immediately adjacent to the property, shall be dedicated free and unrestricted to and for the benefit of Chesterfield County. (T)
6. Notification. The developer shall be responsible for notifying by registered, certified or first class mail, the last known representative on file with the Planning Department of the Village of Midlothian Volunteer Coalition of any site plan. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to approval of disapproval of the plan. The developer shall provide a copy of the notification letter(s) to the Planning Department. (P)
7. Street Lights. The developer shall be responsible for the installation of decorative street lighting similar in design to the light fixture specified in the Midlothian Village Technical Manual which shall be provided along all public roads adjacent to the site. Spacing shall be eighty (80) feet on center. All on-site freestanding street light fixtures shall be compatible with the aforementioned street lights. (P)
8. Utilities. The public waste water system shall be used. (U)
9. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the

Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

10. Uses. Uses shall be limited to those uses permitted by right or with restrictions in the Corporate Office (O-2) district plus restaurant use, excluding carry out or fast food restaurants. (P)
11. Hours of Operation. Restaurant uses shall not be open to the public between 11 p.m. and 6 a.m. (P)
12. Road Improvements. Prior to the issuance of an occupancy permit, the developer/owner shall extend the raised concrete median along Midlothian Turnpike (Route 60) to the Village Mill Drive / Jefferson Green Circle / Route 60 intersection. The exact design and length of this median extension shall be approved by the Transportation Department. (T)
13. Vehicular Lights. The development shall be designed so as to minimize vehicular headlights from shining into adjacent residential properties to the north. The exact treatment shall be approved by the Planning Department in conjunction with site plan review. (P)
14. Restaurant Uses. No building housing or restaurant use shall be located within 400 feet of the northern property boundary. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0106: (Amended) In Midlothian Magisterial District, HAMID M. GHORASHI AND DIANNA M. WATERS requested rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendments will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village fringe area uses. This request lies on 1.3 acres fronting approximately 80 feet on the north line of Midlothian Turnpike approximately 360 feet west of Village Mill Drive. Tax ID 727-708-7371.

Mr. Carl Duncan, the applicant's representative, accepted staff's recommendation.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported the proposal.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0106 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owner/applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner /applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Fence. A decorative metal fence shall be constructed along Midlothian Turnpike exclusive of the entranceway. The design of such fence shall be substantially similar to that which is required for Tax ID 732-707-0433 (First Citizens Bank) by conditions of Case 07SN0232. (P)
2. Architecture. The architectural treatment of buildings constructed on the Property shall be consistent with American Colonial Architecture as defined by the Sycamore Square development. (P)
3. Sidewalk. In conjunction with the development of Property, the developer shall construct a side walk to VDOT standards along Midlothian Turnpike (Route 60) for the entire property frontage, and dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement. The exact design and location of this improvement shall be approved by the Transportation Department. There shall be a minimum five (5) foot wide grassy strip from the back of curb to the sidewalk. (P)
4. Access to Route 60. Direct vehicular access from the property to Route 60 shall be limited to one (1) entrance/exit. The access shall be located along the eastern property line. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department shall be recorded across the property to provide shared use of this access with adjacent properties to the east and west. (T)
5. Dedication. Prior to any site plan approval, forty-five (45) feet of right-of-way on the north side of Midlothian Turnpike (Route 60) measured from the centerline of that part of Route 60 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. Notification. The developer shall be responsible for notifying by registered, certified or first class mail, the last known representative on file with the Planning Department of the Village of Midlothian Volunteer Coalition of any site plan. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to approval or disapproval of the plan. The developer shall provide a copy of the notification letter(s) to the Planning Department. (P)
7. Street Lights. The developer shall be responsible for installation of decorative street lighting similar in design to the light fixture specified in The Midlothian Village Technical Manual which shall be provided along all public roads adjacent to the site. Spacing shall be approximately eighty (80) feet on center. All on-site freestanding street light fixtures shall be compatible with the aforementioned street lights. (P)
8. Utilities. The public wastewater system shall be utilized. (U)
9. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

10. Master Plan: The Textual Statement dated February 1, 2008 shall be considered the Master Plan. (P)
11. Road Improvements. Prior to issuance of an occupancy permit, the developer/owner shall extend the raised concrete median along Midlothian Turnpike (Route 60) to the Village Mill Drive/Jefferson Green Circle/Route 60 intersection. The exact design and length of this median extension shall be approved by the Transportation Department. (T)
12. Vehicular Lights. The development shall be designed so as to minimize vehicular headlights from shining into adjacent residential properties to the north. The exact treatment shall be approved by the Planning Department in conjunction with site plan review. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS OPPOSITION PRESENT.**

08SN0197: In Bermuda Magisterial District, THE PHOENIX L.P. requests Conditional Use and amendment of zoning district map to permit Community Business (C-3) uses in a General Industrial (I-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for industrial use. This request lies on 9.8 acres fronting approximately 600 feet on the south line of West Hundred Road approximately 2,150 feet west of Rivers Bend Road. Tax ID 810-652-2734.

Ms. Peterson presented an overview of the request and staff's recommendation for denial.

Ms. Carrie Coyner, the applicant's representative, stated that this is not a request to rezone the property, but rather to add additional commercial uses. Ms. Coyner concluded by asking the Commission to approve the proposal.

Mr. Gulley opened the discussion for public comment.

There being no one else to speak, Mr. Gulley closed the public comment.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08SN0197 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax ID 810-652-2734 (9.8 acres) will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Uses shall be limited to those permitted by right or with restrictions in the General Industrial (I-2) district plus the following uses:

- (a) Schools – commercial, trade, vocational and training.
- (b) Recreational establishments, commercial-indoor.
- (c) Repair shops.
- (d) Feed, seed, and ice sales.
- (e) Motor vehicle sales, service, repair and rental, excluding motor vehicle consignment lots provided that:
 - (i) Such use shall be limited to motorcycles.
 - (ii) All service, repair and storage of such vehicles to include those awaiting repair, shall occur inside the building(s). Any outside display of such vehicles for sale or rent shall not be continuous; shall be located under a covered walkway; and shall not obstruct pedestrian access.
- (f) Appliance stores.
- (g) Bicycle sales and rentals.
- (h) Motor vehicle accessory stores.
- (i) Paint and wallpaper stores.
- (j) Rental of health and party equipment; and small home hardware.
- (k) Schools – music, dance, and business.
- (l) Sporting goods sales. (P)

- 2. Access - Route 10. No direct vehicular access shall be provided from the property to West Hundred Road (Route 10). (T)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

◆ **CODE AMENDMENT RELATIVE TO SUBMISSION OF SUBDIVISION PLATS AND SITE PLANS TO STATE AGENCIES AND THE DEADLINES FOR THE COUNTY TO ACT ON SUCH PLATS AND PLANS.**



An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 17-32, 17-33 and 17-45 of the Subdivision Ordinance and Sections 19-265, 19-268 and 19-269 of the Zoning Ordinance relating to submission of subdivision plats and site plans to State Agencies and the deadlines for the County to act on such plats and plans. In accordance with State Law, the proposed amendments would (1) require the County to submit certain plats and plans to State Agencies for review when approval of a feature of the plat or plans by the State Agencies is necessary; (2) establish deadlines mandated by State Law for the County to act on such plats and plans once approvals have been received from State Agencies or the State Agencies have failed to act within specified time frames; and (3) clarify in the County Code the time periods provided by State Law for acting on certain plat and plan submittals.



Ms. McGee presented an overview of the Amendment.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approval of the Code amendment as follows:

(1) That the Code of the County of Chesterfield, 1997, as amended, be amended by amending and reenacting Sections 17-32, 17-33, 17-45, 19-265, 19-268 and 19-269 as follows:

Sec. 17-32. Procedure for lot subdivision approval.

- (a) Following is a summary of the approval procedure for subdivisions.

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- (9) If approval of a feature of a plat or construction plans by a state agency or public authority authorized by state law is necessary, the director of planning shall forward the plat or plans to the appropriate state agency or agencies for review within ten business days of receipt. If the County has not received written comments from the Virginia Department of Transportation within the timeframe required by state law, the County may assume that the Department of Transportation has no comments and the County may act on the plat or plans.

- (b) Procedure for approving tentative plats, adjusted tentative plats and tentative renewals.

- (1) Unless otherwise required, completed applications and plats submitted by subdividers to the director of planning, shall be reviewed and approved under the administrative review and approval procedure set forth in subsection (a) of this section unless the subdivider elects to submit the completed application and plat for review and approval under the planning commission review and approval procedure set forth in subsection (b) of this section. During the administrative review procedure, the subdivider or director of planning may amend the application and refer the plat to the planning commission for approval. The submission to the director of planning of a completed application shall grant the county and its agents the right to enter the property at all reasonable times for the purpose of inspecting the property in conjunction with the review of the proposed subdivision.

- a. The following procedure shall be followed for administrative review and approval of tentative plats and adjusted tentative plats:

1. The subdivider shall prepare a tentative plat for all proposed subdivisions excluding minor subdivisions in accordance with the provisions of division 2 of this article, and submit such plat to the director of planning who shall determine that the plat is in conformity with the provisions of this chapter, and obtain recommendations from the applicable departments and other public entities. The subdivider shall have the right to defer receipt of the recommendations for a maximum of 90 calendar days from the date of submission. The deferral request shall be made in writing to the director of planning. After receipt of such recommendations, the director of planning shall:

- (i) Approve such graphically correct tentative plat submission with or without conditions. Approval shall be made not less than 22 calendar days nor more 30 calendar days after receipt of a complete tentative plat submission or, if a response from a state agency pursuant to section 17-32(a)(9) is necessary, the director of planning shall act on the plat within 35 days of receipt of the approvals from all state agencies unless the subdivider requests a deferral, or

- (ii) Disapprove the tentative plat providing written findings giving specific reasons for disapproval to the subdivider within 30 calendar days after receipt of a complete tentative plat submission unless the subdivider

requests a deferral. Such reasons shall relate to issues which prevent the approval of the plat. If a response from a state agency pursuant to section 17-32(a)(9) is necessary, the director of planning shall act on the plat within 35 days of receipt of the approvals from all state agencies.

- (iii) Refer the plat to the planning commission for review, if the director receives written request from an adjacent property owner or property owner directly across the street from the property ~~or an adjacent property owner~~ within 15 calendar days of the date of the sign posting and such request relates to the proposed location of streets, water, wastewater, stormwater conveyance systems, and stormwater facilities or to the implementation of conditions of zoning required to be complied with at time of tentative plat approval.
- (iv) If the director of planning fails to approve or disapprove a tentative plat, adjusted plat or tentative renewal within ~~60~~ 90 calendar days after submittal of the tentative, unless the subdivider requests a deferral, the subdivider may petition the Chesterfield Circuit Court in accordance with state law.

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b. The following procedure shall be followed for planning commission review and approval of tentative plats:

- 1. The subdivider shall prepare a tentative plat which is in accordance with the provisions of division 2 of this article. The director of planning shall obtain the recommendations from the applicable departments and other public entities and submit a report to the planning commission outlining the recommendations. After receipt of such report, the planning commission shall make one of the following two decisions.
 - (i) Approve such tentative plat with or without conditions within 60 calendar days after submission of the completed application including a referral of the final approval to staff to insure that any required graphical changes are made. Deferral of approval of the plat at the subdivider's request to enable the subdivider to make changes shall be deemed to extend the decision deadline date.
 - (ii) Disapprove the tentative plat within 60 calendar days after submission of the completed application. Written findings giving specific reasons for disapproval shall be reported to the subdivider at the time of disapproval. Such reasons shall also state the modifications or corrections as will permit approval of the plat. Deferral of approval of the plat at the subdivider's request to enable the subdivider to make changes shall be deemed to extend the decision deadline date.

If a response from a state agency pursuant to section 17-32(a)(9) is necessary, the planning commission shall act on the plat within 45 days of receipt of the approvals from all state agencies, provided however the commission shall not be required to approve a tentative plat in less than 60 days from the date of its original submission.

If the planning commission fails to approve or disapprove a tentative plat, adjusted plat or tentative renewal within ~~60~~ 90 calendar days after submission of the completed application the subdivider may petition the Chesterfield Circuit Court in accordance with state law. Any deferral at the subdivider's request shall be deemed to have extended the decision deadline date.

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e. Procedure for review of final check plats.

1. Prior to submitting final check plats for subdivisions that require construction plans, subdividers shall submit those plans and obtain approval from the director of environmental engineering.

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3. The director of planning shall review the final check plat and all necessary certificates to determine its conformity with the approved tentative plat if applicable and the requirements established in this chapter and obtain comments from other departments and public entities within 30 calendar days of its submission unless the time is extended by written request of the subdivider. He shall act on any plat that he has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval. If a response from a state agency pursuant to section 17-32(a)(9) is necessary, he shall act on the plat within 35 days of receipt of the approvals from all state agencies. The director of planning shall notify the subdivider of required changes to incorporate in the preparation of the record plat; or send such plat to the planning commission for their recommendation as to final action thereon if the subdivider and director of planning differ as to the plats compliance with requirements of the Code or tentative conditions.

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Sec. 17-33. Procedure for appeals.

- (a) If the director of planning or the planning commission does not act upon the proposed tentative plat within ~~60~~ 90 calendar days from the date the completed application has been submitted, the subdivider, after ten calendar days written notice to the planning commission, may petition the circuit court of the county to decide whether the plat should or should not be approved in accordance with state law. Deferral of approval of the tentative plat at the subdivider's request to enable the subdivider to make changes shall be deemed to extend the decision deadline date.
- (b) If the director of planning or the planning commission takes action on a tentative plat and the subdivider contends that such action was not consistent with this chapter, or was arbitrary or capricious, an appeal may be filed with the circuit court of the county in accordance with state law.
- (c) If the director of planning or the planning commission does not act upon the proposed final check or record plat within 60 calendar days from the date the application was submitted, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to section 17-32(a)(9). the subdivider, after ten calendar days written notice to the planning commission, may petition the circuit court of the county to decide whether the plat should or should not be approved in accordance with state law. Deferral of

approval of the plat at the subdivider's request to enable the subdivider to make changes shall be deemed to extend the decision deadline date.

- (d) If the director of planning or the planning commission takes action on a final check or record plat and the subdivider contends that such action was not consistent with this chapter, or was arbitrary or capricious, an appeal may be filed with the circuit court of the county in accordance with state law.

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Sec. 17-45. Procedure for residential parcel subdivision and parcel property line modification approval.

All completed applications and plats shall be submitted by subdividers to the director of planning to be reviewed and approved administratively as set forth below. During the review, the subdivider or director of planning may amend the application and refer the plat to the planning commission for approval. The submission to the director of planning of a completed application shall grant the county and its agents the right to enter the property at all reasonable times for the purpose of inspecting the property in conjunction with the review of the proposed subdivision. If approval of a feature of the plat by a state agency or public authority authorized by state law is necessary, the director of planning shall forward the plat to the appropriate state agency or agencies for review within ten business days of receipt. If the County has not received written comments from the Virginia Department of Transportation within the timeframe required by state law, the County may assume that the Department of Transportation has no comments and the County may act on the plat or plans.

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Sec. 19-265. Site plan processing.

- (a) At the time a site plan is submitted, the applicant shall elect whether to seek approval under the minor site plan review process, set forth in section 19-267, the administrative site plan review process set forth in section 19-268 or the planning commission site plan review process set forth in section 19-269. If the applicant fails to make a selection, his application will be processed under the administrative site plan review process unless a condition of zoning approval requires the site plan to be submitted to the planning commission.
- (b) The director of planning shall send written notice of site plan submission to adjacent property owners by registered, certified or first class mail as soon after site plan submission as practicable, but in no event less than ten days prior to approval or disapproval of the site plan. The minimum period for site plan approval shall be extended to 21 days when an aggrieved person, as defined by section 19-268.1, files a written request with the planning department within ten days after written notice is sent. If such written notice is sent by first class mail, the director of planning shall make affidavit that such notice has been sent and shall file the affidavit with the application. This subsection shall not be applicable to those site plans which are approved pursuant to the minor site plan review process.
- (c) If approval of a feature of a site plan by a state agency or public authority authorized by state law is necessary, the director of planning shall forward the site plan to the appropriate state agency or agencies for review within ten business days of receipt. If the County has not received written comments from the Virginia Department of Transportation within the timeframe required by state law, the County may assume that the Department of Transportation has no comments and the County may act on the plat or plans.

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Sec. 19-268. Administrative site plan review process.

- (a) All site plans which are properly submitted for administrative review in accordance with the county's site plan application and checklist shall be reviewed and recommended for approval or denial by:

(1) The director of planning relative to:

- a. Compliance with the requirements of this chapter, including, but not limited to, setbacks, side and rear yards, building height, lot area and lot coverage, fencing, screening, landscaping, lighting, architectural design, pedestrian access and conditions of zoning approval.

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- (c) The director of planning shall approve or disapprove site plans in writing, giving specific reasons in accordance with the reviewing authorities' recommendations. He shall notify the applicant of his decision to approve or disapprove the site plan within 30 days of the date of submission of the plan, if practicable. He shall act on any proposed site plan that he has previously disapproved within 45 days after the site plan has been modified, corrected and resubmitted for approval or, if a response from a state agency pursuant to section 19-265(c) is necessary, he shall act on the site plan within 35 days of receipt of the approvals from all state agencies. If the director of planning fails to approve or disapprove the site plan within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to section 19-265(c), the applicant, after ten days' written notice to the director of planning, may petition the circuit court to decide whether the site plan should or should not be approved.

- (d) If the applicant disagrees with the final decision of the director of planning, he may file a written appeal with the planning commission within 15 days of that decision. In addition, any aggrieved person may file a written appeal of the final decision of the director of planning with the planning commission within 15 days of that decision. The appeal must explain how the site plan will adversely affect the person and is limited to the following matters:

- (1) Designation of Chesapeake Bay Preservation areas;
- (2) Access and internal circulation;
- (3) Improvement sketch processing;
- (4) Location of water and sewer lines;
- (5) Buffers and screening;
- (6) Land use transitions;
- (7) Drainage;
- (8) Conditions of zoning approval;
- (9) Architectural treatment;
- (10) Development features affecting public safety; or
- (11) Development features affecting nearby residential areas.

The commission shall fix a reasonable time for hearing the appeal and decide the same within 60 days of the applicant's site plan submission as extended by any time periods applicable pursuant to section 19-268(c). The commission may affirm, modify or reverse the decision. Until the planning commission

renders a decision, neither a building permit nor a land disturbance permit shall be issued for any construction that could be affected by the appeal. In addition, the director of planning shall issue a stop work order to the applicant instructing the applicant to cease any construction that could be affected by the appeal.

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Sec. 19-269. Planning commission site plan review process.

All site plans which are properly submitted for planning commission review in accordance with the county's site plan application and checklist shall be reviewed and approved or denied as follows:

- (a) The appropriate departments and/or agencies shall review and make recommendations as outlined in section 19-268(a).
- (b) The director of planning shall post a notice of the site plan public meeting in accordance with section 19-26(b).
- (c) The director of planning shall submit recommendations to the planning commission. The planning commission shall approve, with or without conditions, or disapprove the site plan in writing, giving specific reasons in accordance with the reviewing authorities' recommendations. The planning commission shall act on any proposed site plan that it has previously disapproved within 45 days after the site plan has been modified, corrected and resubmitted for approval. If a response from a state agency pursuant to section 19-265(c) is necessary, the planning commission shall act on the site plan within 35 days of receipt of the approvals from all state agencies.
- (d) If the planning commission fails to approve or disapprove the proposed site plan within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to section 19-265(c), the applicant, after ten days' notice to the commission, may petition the circuit court to decide whether the site plan should or should not be approved.
- (e) If the applicant disagrees with the final decision of the planning commission, he may file a written appeal with the circuit court within 60 days of that decision. In addition, any aggrieved person may contest the planning commission's final decision if permitted by state law.

(2) *That this ordinance shall become effective immediately upon adoption.*

1925:76530.3

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

◆ **CODE AMENDMENT RELATIVE TO PLANNING FEES.**

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-25 of the zoning ordinance relating to fees. The legal authority for enactment of these fees, levies and increases includes the County Charter and Va. Code §15.2-2286(6). No other new or

increased fees are proposed with this ordinance amendment. The fee language to be deleted from the Planning Department Fee Ordinance is set forth below as a struck-through version of the ordinance. The fee language that is proposed to be adopted is set forth below as an underlined version of the ordinance.

Sec. 19-25. Fees.

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing the following applications:

- ~~(a) Amend condition of zoning, other than condition of planned development:~~
 - ~~(1) Per first two conditions:~~
 - ~~a. Any request for R, R-TH, R-MF, MH or A uses . . . \$2,800.00~~
~~Each additional condition thereafter . . . \$700.00~~
 - ~~b. Any request for O, I or C uses . . . \$1,440.00~~
~~Each additional condition thereafter . . . \$360.00~~
- ~~(b) Appeal to board of zoning appeals per § 19-21 . . . \$1,200.00~~
- ~~(c) Building and sign permit review:~~
 - ~~(1) Any building permit application for a new single family dwelling or for each unit of a new two-family dwelling . . . \$25.00~~
 - ~~(2) Sign Permits:~~
 - ~~a. Temporary signs, as permitted by § 19-631 through § 19-650. . . \$60.00~~
 - ~~b. All other signs for which building permits are required . . . \$100.00~~
- ~~(d) Conditional uses and manufactured home permits:~~
 - ~~(1) Manufactured home permits:~~
 - ~~a. New . . . \$550.00~~
 - ~~b. Renewal . . . \$250.00~~
 - ~~(2) Family day care homes:~~
 - ~~a. Existing zoning R, R-TH, R-MF, MH or A classification . . . \$250.00~~
 - ~~b. Existing zoning O, I, or C classification . . . \$230.00~~
 - ~~(3) Planned development:~~
 - ~~a. Without zoning reclassification:~~
 - ~~(i) Any request for R, R-TH, R-MF, MH or A uses . . . \$4,500.00~~
~~Plus, per acre . . . \$45.00~~
 - ~~(ii) Any request for O, I, or C uses . . . \$2,260.00~~
~~Plus, per acre . . . \$10.00~~
 - ~~b. With zoning reclassification:~~
 - ~~(i) Rezoning for any R, R-TH, R-MF, MH or A use . . . \$5,100.00~~
~~Plus, per acre for the first 200 acres . . . \$95.00~~
~~Plus, per acre over 200 acres . . . \$45.00~~
 - ~~(ii) Rezoning for any O, I, or C use . . . \$2,530.00~~
~~Plus, per acre for the first 200 acres . . . \$60.00~~
~~Plus, per acre over 200 acres . . . \$20.00~~
 - ~~c. Amend condition of planned development to include a condition of a textual statement, per first two conditions:~~
 - ~~(i) Any request for R, R-TH, R-MF, MH or A uses . . . \$2,800.00~~
~~Each additional condition thereafter . . . \$700.00~~
 - ~~(ii) Any request for O, I, or C uses . . . \$1,440.00~~
~~Each additional condition thereafter . . . \$360.00~~
 - ~~(4) All others:~~
 - ~~a. Any request for R, R-TH, R-MF, MH or A uses . . . \$2,200.00~~
~~Plus, per acre . . . \$95.00~~

- b. ~~Any request for O, I or C uses . . . \$1,130.00~~
~~Plus, per acre . . . \$30.00~~
- (e) ~~Deferral/remand requests by the applicant, per request:~~
 - (1) ~~Remand request to planning commission:~~
 - a. ~~Any request for R, R-TH, R-MF, MH or A uses . . . 50 percent of original case fee~~
 - b. ~~Any request for O, I, or C uses . . . No fee~~
 - (2) ~~Deferral of 40 or fewer days:~~
 - a. ~~Rezoning, substantial accord, conditional use, conditional use planned development or special exception:~~
 - i. ~~Any request for R, R-TH, R-MF, MH or A uses . . . \$500.00~~
 - ii. ~~Any request for O, I, or C uses . . . \$230.00~~
 - b. ~~Modification to development standards, variance, appeal decisions to the board of zoning appeals or planning commission consideration of site or schematic plans:~~
 - i. ~~Any request for R, R-TH, R-MF, MH or A uses . . . \$250.00~~
 - ii. ~~Any request for O, I, or C uses . . . \$230.00~~
 - (3) ~~Deferrals of more than 40 days:~~
 - a. ~~Rezoning, substantial accord, conditional use, conditional use planned development or special exception:~~
 - i. ~~Any request for R, R-TH, R-MF, MH or A uses . . . \$250.00~~
 - ii. ~~Any request for O, I, or C uses . . . \$130.00~~
 - b. ~~Modification to development standards, variance, appeal decisions to the board of zoning appeals or planning commission consideration of site or schematic plans:~~
 - i. ~~Any request R, R-TH, R-MF, MH or A uses . . . \$150.00~~
 - ii. ~~Any request O, I, or C uses . . . \$130.00~~
- (f) ~~Enterprise zone or subzone fee exemptions:~~
 - (1) ~~For any office, commercial or industrial use within an enterprise zone or subzone designated by the Commonwealth of Virginia, no application fee shall be required for the following actions, provided the director of planning determines that the request is in compliance with the comprehensive plan:~~
 - a. ~~Amend a condition of zoning~~
 - b. ~~Conditional use or planned development~~
 - c. ~~Deferral~~
 - d. ~~Sign permit~~
 - e. ~~Site plan review, resubmittal of site plan, or adjustment to an approved site plan~~
 - f. ~~Substantial accord determination~~
 - g. ~~Zoning reclassification~~

~~This exemption shall continue for the life of the enterprise zone or subzone. The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.~~
- (g) ~~Modifications to development standards and requirements:~~
 - (1) ~~Any request for R, R-TH, R-MF, MH or A uses . . . \$300.00~~
 - (2) ~~Any request for O, I or C uses . . . \$240.00~~
- (h) ~~Resource protection area exceptions per § 19-235(b)(2):~~
 - (1) ~~Exception for one lot or parcel used or intended to be used for a single family dwelling and accessory uses . . . \$300~~

- (2) ~~All other exceptions . . . \$1,500~~
- (i) (1) ~~Schematic plan for non-residential uses . . . \$1,080.00~~
 - ~~Plus, per acre for the first 50 acres . . . \$50.00~~
 - ~~Plus, per acre over 50 acres . . . \$20.00~~
- (2) ~~Amendment of approved schematic plan for non-residential uses . . . \$240.00~~
- (3) ~~Schematic plan for residential uses . . . \$1,800.00~~
 - ~~Plus, per acre for the first 50 acres . . . \$70.00~~
 - ~~Plus, per acre over 50 acres . . . \$40.00~~
- (4) ~~Amendment of approved schematic plan for residential uses . . . \$380.00~~
- (j) ~~Site plan reviews:~~
 - (1) ~~Non-residential uses:~~
 - a. ~~Original submittal, including up to two resubmittals . . . \$860.00~~
 - ~~Plus, per acre . . . \$60.00~~
 - b. ~~Third and subsequent resubmittals, per resubmittal . . . \$290.00~~
 - c. ~~Adjustment to approved site plan, per submittal or resubmittal . . . \$290.00~~
 - (2) ~~Residential uses:~~
 - a. ~~Original submittal, including up to two resubmittals . . . \$1,400.00~~
 - ~~Plus, per acre . . . \$90.00~~
 - b. ~~Third and subsequent resubmittals, per submittal . . . \$480.00~~
 - c. ~~Adjustment to approved site plan, per submittal or resubmittal . . . \$480.00~~
- (3) ~~Plan transfer to electronic format per § 19-264(f) . . . \$75.00~~
- (4) ~~Appeal of decision of director of planning relating to site plans~~
 - ~~(1) For non-residential uses . . . \$240.00~~
 - ~~(2) For residential uses . . . \$380.00~~
- (k) ~~Special exceptions:~~
 - (1) ~~Manufactured home, temporary:~~
 - a. ~~New . . . \$550.00~~
 - b. ~~Renewal . . . \$250.00~~
 - (2) ~~All others:~~
 - a. ~~Where all activity associated with the request, except for the parking of passenger vehicles, is confined to the living area of a dwelling . . . \$1,000.00~~
 - b. ~~Where any activity associated with the request, except for the parking of passenger vehicles, is not confined to the living area of a dwelling . . . \$1,500.00~~
 - (3) ~~Amend condition of special exception:~~
 - a. ~~Per first two conditions . . . \$600.00~~
 - b. ~~Each condition thereafter . . . \$150.00~~
- (l) ~~Substantial accord determinations:~~
 - (1) ~~Existing zoning R, R TH, R MF, MH or A classification . . . \$3,100.00~~
 - (2) ~~Existing zoning O, I or C classification . . . \$1,540.00~~
- (m) ~~Variances:~~
 - (1) ~~Setback variance requests to the board of zoning appeals:~~
 - a. ~~First ordinance section or subsection varied from . . . \$200.00~~
 - b. ~~Each additional ordinance section or subsection varied from . . . \$100.00~~
 - (2) ~~Variances, administrative:~~
 - a. ~~First ordinance section or subsection varied from . . . \$200.00~~
 - b. ~~Each additional ordinance section or subsection varied from . . . \$100.00~~
 - (3) ~~Variances, all other:~~
 - a. ~~For any R, R TH, R MF, MH or A use:~~

- (i) ~~First ordinance section or subsection varied from . . . \$300.00~~
 - (ii) ~~Each additional ordinance section or subsection varied from . . . \$100.00~~
- b. ~~For any O, I, or C use:~~
 - (i) ~~First ordinance section or subsection varied from . . . \$600.00~~
 - (ii) ~~Each additional ordinance section or subsection varied from . . . \$100.00~~
- (n) ~~Zoning certificate, written verification of non-conforming use or written zoning interpretation. . . \$75.00~~
- (o) ~~Zoning reclassification:~~
 - (1) ~~Without conditional use planned development:~~
 - a. ~~Rezoning to R, R TH, R MF, MH or A classification . . . \$2,800.00~~
~~Plus, per acre for the first 200 acres . . . \$95.00~~
~~Plus, per acre over 200 acres . . . \$45.00~~
 - b. ~~Rezoning to O, I, or C classification . . . \$1,440.00~~
~~Plus, per acre for the first 200 acres . . . \$50.00~~
~~Plus, per acre over 200 acres . . . \$20.00~~
 - (2) ~~With conditional use planned development:~~
 - a. ~~Rezoning for any R, R TH, R MF, MH or A use. . . \$5,100.00~~
~~Plus, per acre for the first 200 acres . . . \$95.00~~
~~Plus, per acre over 200 acres . . . \$45.00~~
 - b. ~~Rezoning for any O, I, or C use. . . \$2,530.00~~
~~Plus, per acre for the first 200 acres . . . \$60.00~~
~~Plus, per acre over 200 acres . . . \$20.00~~

<u>Application Type</u>	<u>Fee, Based On</u>	
	<u>Residential Uses</u>	<u>Office, Commercial, and Industrial Uses</u>
1. <u>Amend condition(s) of zoning (including conditions of rezoning, conditional use, conditional use planned development, and textual statement)</u>	<u>\$5,300</u>	<u>\$4,100</u>
2. <u>Appeal to board of zoning appeals per § 19-21</u>	<u>\$1,200</u>	<u>\$1,200</u>
3. <u>Building permit review, for a new single family dwelling or for each unit of a new two-family dwelling</u>	<u>\$25</u>	<u>Not Applicable</u>
4. <u>Conditional use, family day care homes</u>	<u>\$300</u>	<u>Not Applicable</u>
5. <u>Conditional use, all others</u>	<u>\$5,300</u>	<u>\$4,100</u>
a. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
6. <u>Conditional use planned development</u>	<u>\$5300</u>	<u>\$4,100</u>
a. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
7. <u>Planning Commission and Board of Supervisors case deferral requests by the applicant, per request:</u>	<u>\$1,000</u> (Includes "A" uses)	<u>\$1,000</u> (Includes "A" uses)
8. <u>Board of Zoning Appeals case deferral requests by the applicant, per request:</u>	<u>\$130</u>	<u>\$130</u>

9. <u>Manufactured home permits, new</u>	<u>\$550</u>	<u>\$550</u>
10. <u>Manufactured home permits, renewal</u>	<u>\$250</u>	<u>\$250</u>
11. <u>Modifications to development standards and requirements</u>	<u>\$400</u>	<u>\$300</u>
12. <u>Plan transfer to electronic format per § 19-264(f)</u>	<u>\$130</u>	<u>\$130</u>
13. <u>Resource protection area exceptions per § 19-235(b)(2) for one lot or parcel used or intended to be used for a single family dwelling and accessory uses</u>	<u>\$300</u>	<u>Not Applicable</u>
14. <u>Resource protection area exceptions per § 19-235(b)(2), all others</u>	<u>\$1,500</u>	<u>\$1,500</u>
15. <u>Remand requests to the planning commission, by the applicant, per request</u>	<u>50 percent of original case fee (includes "A" uses)</u>	<u>50 percent of original case fee (includes "A" uses)</u>
16. <u>Rezoning</u>	<u>\$5,300</u>	<u>\$4,100</u>
a. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
17. <u>Rezoning with conditional use</u>	<u>=</u>	<u>=</u>
a. <u>Base fee for rezoning</u>	<u>\$5,300</u>	<u>\$4,100</u>
i. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
b. <u>Base fee for conditional use</u>	<u>\$5,300</u>	<u>\$4,100</u>
i. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
18. <u>Rezoning with conditional use planned development</u>	<u>=</u>	<u>=</u>
a. <u>Base fee for rezoning</u>	<u>\$5,300</u>	<u>\$4,100</u>
i. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
b. <u>Base fee for conditional use planned development</u>	<u>\$5,300</u>	<u>\$4,100</u>
i. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
19. <u>Rezoning with conditional use and conditional use planned development</u>	<u>=</u>	<u>=</u>
a. <u>Base fee for rezoning</u>	<u>\$5,300</u>	<u>\$4,100</u>
i. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
b. <u>Base fee for conditional use</u>	<u>\$5,300</u>	<u>\$4,100</u>
i. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
c. <u>Base fee for conditional use planned development</u>	<u>\$5,300</u>	<u>\$4,100</u>
i. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
20. <u>Sign Permits, temporary signs as permitted by § 19-631 through § 19-650</u>	<u>\$100</u>	<u>\$100</u>
21. <u>Sign Permits, all other signs for which building permits are required</u>	<u>\$130</u>	<u>\$130</u>
22. <u>Site plan, overall development plan and schematic plan</u>	<u>\$2,000</u>	<u>\$1,200</u>

reviews: original submittal, including up to two resubmittals

a. <u>Plus per acre</u>	<u>\$90</u>	<u>\$80</u>
23. <u>Site plan, overall development plan and schematic plan reviews: third and subsequent resubmittals, per submittal</u>	<u>\$400</u>	<u>\$350</u>
24. <u>Site plan, overall development plan and schematic plan reviews: adjustment to approved site plan or amendment to approved schematic plan, per submittal or resubmittal</u>	<u>\$400</u>	<u>\$350</u>
25. <u>Site plan review: appeal of decision of director of planning</u>	<u>\$400</u>	<u>\$350</u>
26. <u>Special exceptions, temporary manufactured home (new)</u>	<u>\$550</u>	<u>\$550</u>
27. <u>Special exceptions, temporary manufactured home (renewal)</u>	<u>\$250</u>	<u>\$250</u>
28. <u>Special exceptions, all others</u>	<u>\$1,000</u>	<u>\$1,000</u>
29. <u>Special exceptions, amend conditions of special exception</u>	<u>\$600</u>	<u>\$600</u>
30. <u>Substantial accord determinations</u>	<u>\$5,300</u>	<u>\$4,100</u>
31. <u>Variances, administrative</u>	<u>\$200</u>	<u>\$200</u>
32. <u>Variances, all other</u>	<u>\$300</u>	<u>\$300</u>
33. <u>Verification of non-conforming use (written)</u>	<u>\$75</u>	<u>\$75</u>
34. <u>Zoning certificate</u>	<u>\$75</u>	<u>\$75</u>
35. <u>Zoning interpretation (written)</u>	<u>\$75</u>	<u>\$75</u>

(b) Enterprise zone or subzone fee exemptions.

- (1) For any office, commercial or industrial use within an enterprise zone or subzone designated by the Commonwealth of Virginia, no application fee shall be required for the following actions, provided the director of planning determines that the request is in compliance with the comprehensive plan:
- a. Amend a condition of zoning
 - b. Conditional use or planned development
 - c. Deferral
 - d. Rezoning
 - e. Site plan review, resubmittal of site plan, or adjustment to an approved site plan
 - f. Substantial accord determination

This exemption shall continue for the life of the enterprise zone or subzone.

- (c) For any application containing a mix of residential and non-residential uses, the fee shall be based upon the residential uses category.

Mr. Glenn Larson presented an overview of the Ordinance.

Several members voiced their concerns and opposition to the fee increase, indicating the decision was one of policy that should be addressed by the Board of Supervisors.

On motion on Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend denial of the code amendment relative to planning fees and requested the following concerns be forwarded in a written document to the Board of Supervisors:

- The Commission is concerned about how much of the Planning Department's operating costs should be recovered by fees. They felt this was a legislative decision best addressed by the Board of Supervisors.
- Referring to the proposed 80% residential and 65% percent commercial cost recovery goal, the Commission is concerned about the degree that development review costs should be recovered from one type of activity verses another. They also felt this was a legislative decision best addressed by the Board of Supervisors.
- The Commission is concerned about the significant percentage increase in proposed fees adjustments over one year.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

XII. CITIZEN COMMENTS ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizen comments.

XIII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Bass, that the meeting adjourned at 7:30 p. m. to the Special Meeting on April 29, 2008, at 7:00 p. m. at the Clover Hill High School.

Chairman/Date

Secretary/Date